

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

STATE OF TEXAS,

Plaintiff,

v.

THE UNITED STATES OF
AMERICA; MIGUEL CARDONA, in
his official capacity as Secretary of
Education; UNITED STATES
DEPARTMENT OF
EDUCATION; CATHERINE
LHAMON, in her official capacity as
Assistant Secretary for Civil Rights,
Department of Education;
RANDOLPH WILLS, in his official
capacity as Deputy Assistant Secretary
for Enforcement, Department of
Education,

Defendants.

Case No. 2:24-cv-00086-Z

Declaration of Peter L. Bailey

Pursuant to 28 U.S.C. § 1746, I, Peter L. Bailey, duly affirm under penalty of perjury as follows:

1. I am over 18 years of age, have personal knowledge of the matters set forth herein, and am competent to make this Declaration.
2. My name is Peter L. Bailey, and I serve as Superintendent of the Texas School for the Deaf (TSD).
3. TSD is a state agency, located in Austin Texas, that provides comprehensive educational services to persons who are 21 years of age or younger, who are deaf or hard of

hearing, and who may have one or more other disabilities. TSD serves over 500 deaf or hard of hearing students from over 50 counties from around the state of Texas. TSD maintains a residential setting (dorms) for students who live outside of the Austin area. Living quarters in these residential settings are maintained on the basis of sex.

4. TSD provides athletic programs for students to participate in extracurricular activities. Athletic teams are organized on the basis of sex. TSD currently maintains separate locker room facilities for males and females.

5. TSD receives significant federal funds necessary to maintain critical services for its deaf and hard of hearing students and to provide statewide outreach services to families of deaf and hard of hearing children who do not attend TSD's Austin campus. Because TSD receives federal funding, TSD is subject to the requirements of Title IX. If any program or activity at TSD is determined to not be in compliance with the requirements of Title IX, the U.S. Department of Education may terminate federal funding to TSD. TSD's current federal funding sources for Fiscal Year 2024 include:

Program	Federal Grant Source / Name	FY 24 Federal Funds
School Nutrition	US Dept of Agriculture: School Breakfast Program	\$ 29,968.00
School Nutrition	US Dept of Agriculture: School Lunch Program	\$ 130,531.00
Statewide Outreach	US Dept of Education: IDEA-B Discretionary	\$ 394,579.00
Early Childhood Education	US Dept of Education: Special Education Consolidated (State) ECI	\$ 6,003.00
Classroom Instruction	US Dept of Education: IDEA-B Formula	\$ 293,472.00
Classroom Instruction	US Dept of Education: IDEA-B Preschool	\$ 18,388.00
Statewide Outreach	Dept of State Health Services: Early Hearing Detection	\$ 222,643.00
Career & Technical Education	US Dept of Education: Carl Perkins	\$ 45,017.00
Classroom Instruction	US Dept of Education: Title I, Part A	\$ 97,444.00
Classroom Instruction	US Dept of Education: Title II, Part A	\$ 13,690.00
Classroom Instruction	US Dept of Education: Title IV, Part A	\$ 10,000.00
	Texas School for the Deaf Total Federal Funds	\$ 1,261,735.00

6. Loss of federal funding would require TSD to eliminate certain education, nutritional, and outreach services provided to deaf and hard of hearing students, their families, and support professionals. Alternate funding sources would need to be identified to replace federal education funding, including those provided by the Carl D. Perkins Act, the Elementary

and Secondary Education Act (ESEA), and the Individuals with Disabilities Education Act (IDEA).

7. Approximately 60% of TSD students receive free or reduced nutritional services. Loss of federal funds would increase risk of food insecurity, potentially decrease classroom attendance, and result in additional learning loss.

8. TSD will incur costs to comply with a federal rule implementing Title IX. These costs will include updating policies and training materials that reflect policies inconsistent with such a rule and incurring additional training costs for Title IX Coordinators, administrators, and other staff. The amount of time dedicated to Title IX training increases in a year in which the U.S. Department of Education adopts significant changes to Title IX regulations. Because the U.S. Department of Education has finalized new Title IX regulations, published at 89 Fed. Reg. 33,474 (Apr. 29, 2024), with an effective date of August 1, 2024, TSD will incur greater time and costs associated with Title IX training and other compliance this year than in a year in which the U.S. Department of Education did not revise its Title IX rules. Because recipients must comply with these new regulations before the next school year begins, TSD's training and other compliance costs will be incurred this summer before the effective date.

9. I declare under penalty of perjury that the foregoing is true and correct.



Peter L. Bailey

Dated: May 10, 2024